EXHIBIT Y

Page 1

1

2   UNITED STATES DISTRICT COURT

3   NORTHERN DISTRICT OF OHIO

4

5   JANE ROE, individually and on   )
     behalf of all others similarly   )
6   situated,   )
                            Plaintiffs,   )
7   )
                   vs.   )
8   )
     INTELLICORP RECORDS, INC., an   )
9   Ohio corporation, and DOES 1-50,   )
     inclusive,   )
10   )
                            Defendants.   )
11   )
     ------------------------------------)

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              DEPOSITION OF DAVID GARRETT
19

               New York, New York
20

            Friday, December 14, 2012
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24   Job No. 56397
     Reported by:
25   Cheryll Kerr, LSR

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5   Friday, December 14, 2012

6   9:41 a.m.

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12   DEPOSITION of David Garrett, taken by

13   Plaintiffs, pursuant to Notice, at the offices

14   of Davis Polk, located at 450 Lexington Avenue,

15   New York, New York 10017, held before Cheryll

16   Kerr, LSR, a Licensed Shorthand Reporter and

17   Notary Public within and for the State of

18   New York.

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1   D. Garrett

2   MS. CARUSO: The only thing I was

3   going to put in the record is that we are

4   reserving all objections except as to

5   form, and Mr. Garrett is testifying today

6   on behalf of the company as to those

7   topics as to which we have so designated

8   him.

9   So to the extent the questioning goes

10   beyond those topics, he would be answering

11   in his personal capacity.

12

13   D A V I D   G A R R E T T,

14   called as a witness, having been duly

15   sworn, was examined and testified

16   as follows:

17

18   THE SHORTHAND REPORTER: Please state

19   your full name and address for the record,

20   sir.

21   THE WITNESS: David Garrett.

22   The address is 4242 Elmwood, and that

23   is South Euclid, Ohio 44121.

24   THE SHORTHAND REPORTER: Thank you.

25   Please proceed.

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1   D. Garrett

2   going to spend some time talking about you.

3   A.   Sure.

4   Q.   What's your current job title?

5   A.   My current job title is Director of

6   Application Delivery.

7   Q.   What are some of the job functions of the

8   Director of Application Delivery?

9   A.   I oversee the development and delivery of

10   our internal application -- internally developed

11   software.

12   Q.   So every software that's developed by

13   IntelliCorp, you oversee the development and

14   delivery of?

15   A.   I do.

16   Q.   Does this include any application is

17   developed by the data -- data loading team?

18   A.   No, that it does not.

19   Q.   Are there any other exceptions to this

20   internal -- internally developed applications?

21   MS. CARUSO: Objection as to form.

22   BY MR. KIM:

23   Q.   Are there any other exceptions to this

24   "internally developed applications" that you

25   oversee?

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1   D. Garrett

2   Q.   Does your department use any version

3   control software?

4   A.   We do.

5   Q.   And what do you use?

6   A.   We use Microsoft Team Foundation Server.

7   Q.   How long have you used that?

8   A.   We've been using it since -- I want to

9   say -- you know, I don't remember the exact date.

10   Q.   Well, give me your best estimate, please.

11   A.   I would say we've been using it for at

12 least four or five years.

13   Q.   What college did you attend, Mr. Garrett?

14   A.   I went to Hiram College.

15   Q.   And what was your major?

16   A.   Political science.

17   Q   Well, it's kind of a science. Did you

18 attend any other school after that?

19   A.   I am currently attending Case Western

20 Reserve.

21   Q.   And what are your -- what is your

22 concentration there?

23   A.   I am in the executive MBA program.

24   Q.   Do you have any formal training in

25 computer science?

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1   D. Garrett

2   A.   Define "formal."

3   Q.   Attending any structured educational

4 institution.

5   MS. CARUSO: Objection as to the

6   form. You can answer, if you can.

7   THE WITNESS: Sure. I don't have

8   any --

9   Well, I have taken some collegiate

10   classes.

11 BY MR. KIM:

12   Q.   Are you familiar with any programming

13 languages?

14   A.   Yes.

15   Q.   What are those?

16   A.   The ones I have used most recently would

17 be C# and VB.NET. I have in the past used Python,

18 BB6, a little bit of C++.

19   Q.   Just for the record, I believe you said

20 "VB," correct, not BB?

21   A.   Correct, VB. Short for Visual Basic.

22   Q.   Do you have any familiarity with SQL?

23   A.   Yes, stands for Structured Query

24 Language.

25   (Informal discussion held off the

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1   D. Garrett

2   record.)

3   BY MR. KIM:

4   Q.   Does IntelliCorp internally developed

5   application include any language or technology that

6   you, yourself are not familiar with?

7   A.   I would say that the applications

8   developed by my team -- I am familiar with the

9   technologies we've used to put them together.

10   Q.   So let's just make sure that's clear.

11   A.   Sure.

12   Q.   You are not familiar with the products

13   developed by the data loading team?

14   MS. CARUSO: Objection as to form.

15   You can answer, if you can.

16   THE WITNESS: Yeah, I was not

17   involved in the development of any

18   software put together by the data loading

19   team.

20   BY MR. KIM:

21   Q.   Okay. Do you have any knowledge

22   whatsoever?

23   MS. CARUSO: Objection as to form.

24   BY MR. KIM:

25   Q.   Did you have any knowledge whatsoever of

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1   D. Garrett

2   the technology used to put together the data loading

3   team development technology?

4   A.   Can you repeat that again?

5   Q.   Yeah. That wasn't clear.

6   A.   All right.

7   Q.   Are you familiar in any way with the

8   technology used by the data loading team to develop

9   their own product?

10   A.   Well, when you mean "products," can you

11   be a little more clear about that?

12   Q.   Oh, okay. Let me throw the question back

13   at you.

14   What are some of the softwares or scripts

15   written by data loading team that you are aware of?

16   A.   The data loading team primarily creates

17   mapping. I guess "scripts" would probably be the

18   best word for it, to load data.

19   Q.   Can you be specific as to loading data

20   from where to where?

21   A.   They would take it from our data sources

22   and load it into our internal databases.

23   Q.   And what platform do they use for that?

24   A.   I believe today they are using Pervasive.

25   Q.   Are you familiar with Pervasive?

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1   D. Garrett

2   A.   Only in very general terms.

3   Q.   Okay. Turn to page 3 of your LinkedIn

4   profile marked as Plaintiff's Exhibit 33.

5   In the middle of the page, your skills and

6   expertise --

7   A.   Yes.

8   Q.   -- includes HTML and XML; is that

9   correct?

10   A.   That's correct.

11   Q.   Okay, so now I am going to ask you to do

12   most of the talking now to help us understand how

13   IntelliCorp's system functions.

14   Let's start from the very first screen where

15   the user of the system would make an input and

16   initiate a query or initiate a search.

17   Can you walk us through and explain what

18   programs are involved or what scripts are involved,

19   what databases are being either by select, update,

20   insert statements, and discuss any stored procedures

21   or triggers, SQL triggers that would be involved in

22   the process?

23   MS. CARUSO: Objection as to form. I

24   know you are trying to lay it out for him.

25   I know -- he's not going to be able to

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1

2   C E R T I F I C A T E

3

4   STATE OF NEW YORK   )

5   : ss.

6   COUNTY OF NEW YORK   )

7

8   I, CHERYLL KERR, LSR, a Notary Public within

9   and for the State of New York, do hereby certify:

10   That DAVID GARRETT, the witness whose

11   deposition is hereinbefore set forth, was duly

12   sworn by me, and that such deposition is a true

13   record of the testimony given by such witness.

14   I further certify that I am not related to

15   any of the parties to this action by blood or

16   marriage; and that I am in no way interested in

17   the outcome of this matter.

18   IN WITNESS WHEREOF, I have hereunto set my

19   hand this 20th day of December, 2012.

20

21

22

23

24   _____

25   CHERYLL KERR, LSR

E R R A T A

Name of Witness:	David Garrett
Date of Deposition:	December 14, 2012
Name of Case:	Roe v. Intellicorp Records, Inc.,
	Case No. 1:12-cv-02288-JG
Reported by:	Cheryl Kerr
Job No.:	563967

I wish to make the following changes for the following reasons:

Page/Line	Change	Reason
P.9 / L.16	Insert "that" between "application" and "is"	Transcription error
P.9 / L.23	Change "this" to "these"	Grammatical error
P.14 / L.6	Delete "have"	Transcription error
P.17 / L.4-6	Change "Does Intellicorp internally developed application" to "Do Intellicorp's internally developed applications"	Transcription error
P.24 / L.18	Change "then" to "them"	Transcription error
P.31 / L.4	Change "form" to "foreign"	Transcription error
P.31 / L.14	Change "lending" to "landing"	Transcription error
P.41 / L.16	Change "bullion" to "boolean"	Transcription error
P.42 / L.20	Change "thousand" to "thousands"	Transcription error
P.42 / L.21	Change "thousand" to "thousands"	Transcription error
P.44 / L.9	Change "locker" to "blocker"	Transcription error
P.48 / L.12	Change "teamwork" to "team work"	Transcription error
P.48 / L.16	Change "teamwork" to "team work"	Transcription error
P.53 / L.4	Change "Criminal SuperSearches of" to "Criminal SuperSearch from"	Transcription error
P.53 / L.5	Change "product" to "products"	Transcription error
P.62 / L.14	Change "use" to "user"	Transcription error
P.66 / L.25	Change "Hillard" to "Hilliard"	Transcription error
P.81 / L.8	Change "particular" to "familiar"	Transcription error
P.82 / L.15	Change "did the base" to "database"	Transcription error
P.87 / L.3	Change "is cross" to "across"	Transcription error
P.91 / L.20	Change "my" to "any"	Transcription error
P.94 / L.11	Change "record" to "records"	Transcription error
P.103 / L.8	Delete "to" bewteen "orders" and "in"	Transcription error
P.107 / L.5	Change "criminal record" to "Criminal Record"	Transcription error
P.116 / L.7	Change "Charge description: Los Angeles Superior Court index data" to "Charge Description: LOS ANGELES SUPERIOR COURT INDEX DATA"	Transcription error
P.116 / L.10	Chagne "Disposition date not provided" to "Disposition Date: NOT PROVIDED"	Transcription error
P.116 / L.24	Change "note" to "node"	Transcription error

P.129 / L.4	Change "account" to "county"	Transcription error
P.129 / L.6	Change "ore" to "order"	Transcription error
P.134 / L.3	Change "possible" to "responsible"	Transcription error
P.142 / L.19	Change "an" to "and"	Transcription error
P.146 / L.8	Change "stream" to "string"	Transcription error
P.151 / L.20	Change "analog" to "and log"	Transcription error
P.173 / L.10	Change "cable chases" to "table cases"	Transcription error
P.173 / L.10	Change "cable charges" to "table charges"	Transcription error
P.173 / L.16	Change "cable cases" to "table cases"	Transcription error
P.173 / L.20	Change "cable charges" to "table charges"	Transcription error
P.173 / L.20-21	Change "cable databases" to "table databases"	Transcription error
P.176 / L.22	Change "cable cases" to "table cases"	Transcription error
P.183 / L.1	Change "marketing" to "marking"	Transcription error
P.183 / L.22	Change "IntelliSearch" to "IntelliCorp"	Transcription error
P.186 / L.8	Insert "be" between "would" and "a"	Transcription error
P.186 / L.11	Change "impact" to "impacting"	Transcription error
P.190 / L.8	Change "sending" to "sense"	Transcription error
P.201 / L.6	Change "background chemistry" to "background industry"	Transcription error
P.201 / L.9	Change "Do you believe in any" to "Have you been to any"	Transcription error
P.201 / L.14	Change "chemistry" to "industry"	Transcription error

I, DAVID GARRETT, the witness herein, have read the transcript of my testimony and the same is true and correct, to the best of my knowledge. Any corrections and/or additions, if any, are listed above.

David Garrett

2013 · 01 · 17
Date

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